

Motion GRANTED.

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Oscar A. Brueggeman

UNITED STATES OF AMERICA) NO. 3:09-cr-00094
v.) Judge Trauger
BRIAN MARCELLE RHODES.)

MOTION TO CONTINUE TRIAL
AND TO EXTEND PRETRIAL DEADLINES

Defendant, through counsel, moves for an order continuing the September 18, 2012 trial in this case to a date after March 4, 2013 appropriate to the Court's calendar, and to extend pretrial deadlines. In support of this motion, defendant files counsel's declaration which respectfully show:

1. On April 29, 2009 Defendant was charged by indictment. Defendant is indigent, and undersigned counsel has been appointed by this Court to represent him. Trial is set for September 18, 2012 at 9:00 a.m. [Docket Entry No. 279]

2. The indictment against defendant and five co-defendants contains one count alleging: Conspiracy to distribute and possession with the intent to distribute 500 grams or more of cocaine (Maximum Sentence 40 years).

3. Counsel is currently in trial in the case of *United States vs. Padilla* before Judge Campbell. Counsel has three other trials in October, early December, and early January that are all not likely to settle and will involve several weeks in court. In each of these cases the client is incarcerated and has informed counsel that no further waiver of speedy trial will be extended.

4. The parties are working towards a resolution in this matter that, if reached, would resolve the case against defendant without the necessity of trial. Any opportunity to resolve this case without a trial will be increased by allowing a